



Municipal Clerk  
Atlanta, Georgia

A SUBSTITUTE ORDINANCE  
BY: IVORY LEE YOUNG, JR.

**04-O-1416**  
Z-04-81  
August 16, 2004

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2440 Peachtree Road (a.k.a. 2440 and 2450) and the rear of 2475 Rivers Road (a.k.a. 2505)** be changed from the **R2A (Single Family Residential) District and R-G-2 (Residential General-Sector 2) District, to the R2A-C (Single Family Residential-Conditional) District, and the PD-H (Planned Development-Housing) District** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 112 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment

SECTION 3. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 4. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,  
*Rhonda Doughtin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

DEC 06, 2004  
DEC 10, 2004





## **Conditions of Zoning Z-04-81**

**APPROVAL**, conditioned on site plan titled "A Proposed New Development for 2440-2450 Peachtree Road, N.W. dated November 5, 2004 and marked received by the Bureau of Planning on November 12, 2004.

And the following:

### PD-H Condition

1. Parking Deck Opening. Along the western face of the parking deck, the parking deck may be open to the exterior up to a 7-foot wide area; such opening shall be screened (by use of mesh, plants, a kneewall or other material) to block headlights shining directly to the exterior. There are no openings on the northern face of the parking deck.

### R2-A Conditions

1. R2-A Parcel
  - a) The terrace shown on the Site Plan (or a reasonably similar terrace), if built shall be the only structure allowed on the R2A parcel.
  - b) In the tree save area to be shown on the Site plan, no tree shall be disturbed which is twelve 12 inches dbh or greater. The tree save area is 85 feet deep, beginning adjacent to 2575 Rivers Road.
  - c) The owner shall install supplemental landscaping (composed of dense evergreens such as magnolia, cryptomara or other species) to facilitate the screening of the units/structures from adjacent R2-A lots. The landscape materials shall be planted in at least 2 staggered rows along the areas where trees will be removed for the sewer and construction of the terrace, eight (8) feet on center, staggered, at least 10 feet tall at time of planting, or in such placement as approved by the City Arborist to accomplish the screening function.







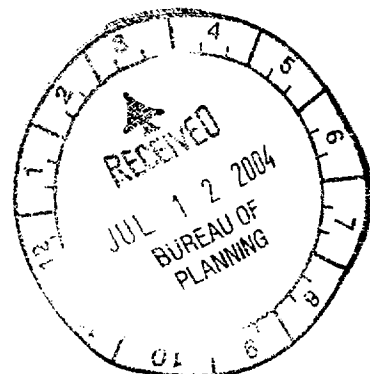
**METES AND BOUNDS LEGAL DESCRIPTION**

**2440 and 2450 Peachtree Road**

**All that tract or parcel of land lying and being in Land Lot 112 of the 17th District, Fulton County, Georgia, being Lots 1, 2 and a portion of Lot 19, Block 11 of Peachtree Heights Park Company Subdivision and being more particularly described as follows:**

**Beginning at an iron pin found on the west right-of-way line of Peachtree Road (an 80-foot right-of-way) located 1087.15 feet south of the intersection of the west right-of-way line of said Peachtree Road and the south right-of-way line of Muscogee Avenue as measured along said right-of-way line of Peachtree Road; thence continuing along said right-of-way line south 16°26'06" west 199.22 feet to an iron pin found; thence leaving said right-of-way line north 73°10'17" west 399.63 feet to an iron pin found; thence north 16°28'45" east 99.99 feet to an iron pin placed; thence north 72°31'24" west 201.30 feet to an iron pin found; thence north 18°26'00" east 98.93 feet to an iron pin found; thence south 72°49'41" east 197.91 feet to an iron pin found; thence south 73°03'44" east 399.49 feet to an iron pin found on the west right-of-way line of said Peachtree Road and the POINT OF BEGINNING, and being shown and delineated on that certain survey for Estate of Dorothy Orr Johnson, The Citizens & Southern National Bank and Chicago Title Insurance Co., dated June 16, 1988, prepared by Hilton H. Hobby, Jr., GRLS #2207 of Hobby Land Surveying.**

[End of Legal Description]



*2-04-81*



RCS# 6332  
12/06/04  
5:57 PM

Atlanta City Council

Regular Session

04-O-1416

Z-04-81 R-2A & RG-2 TO PD-H & R-2A-C  
2440 P'TREE RD & REAR 2475 RIVERS RD  
ADOPT SUB AMEND

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

04-O-1416



**04-0-1416**  
(Do Not Write Above This Line)

AN ORDINANCE Z-04-81  
BY: ZONING COMMITTEE

An Ordinance to rezone from the R-2A (Single-Family Residential) and the RG-2 (Residential General-Sector 2) District, to the PD-H (Planned Development-Housing) District, property located at 2440 Peachtree Road (a.k.a. 2440 & 2450) and the rear of 2475 Rivers Road (a.k.a. 2505), N.W., fronting 199.22 feet on the west side of Peachtree Road 1087.15 feet from the southwest corner of Muscogee Avenue.  
Depth: Varies;  
Area: Approximately 2.287 acres  
Land Lot 112, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: LYSTRA, LLC  
APPLICANT: THE CARTER REAL ESTATE FUND I, LLC  
BY: CARL E. WESTMORELAND, JR., ESQ.  
NPU-B COUNCIL DISTRICT 8

- ☐ CONSENT REFER DEC 06 2004
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 08/16/04  
Referred To: ZRB & Young  
Date Referred  
Referred To:  
Date Referred  
Referred To:

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee  
Date 12-06-2004  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

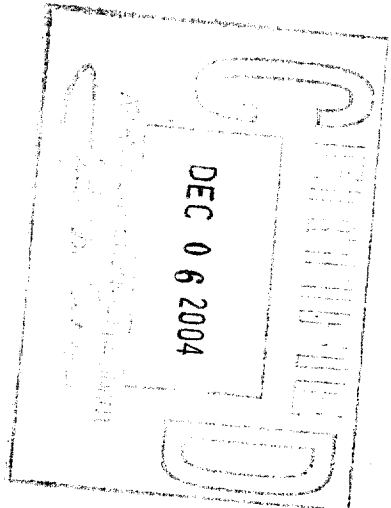
Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED  
Mayor  
MAYOR